

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

508D0537

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB1184** - 2/17/00

Introduced by: Representatives Fiegen, Brooks, Cutler, Derby, Diedrich (Larry), Juhnke, McNenny, Michels, and Wilson and Senators Brown (Arnold) and Rounds

1 FOR AN ACT ENTITLED, An Act to provide immunity to members of county boards of mental
2 illness and county review boards.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 27A-7 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person serving as a member of a county board of mental illness, whose action regarding
7 the applications or petitions for involuntary commitment or for the safekeeping otherwise of
8 persons subject to involuntary commitment is taken in good faith, is immune from any civil
9 liability that might otherwise be incurred or imposed. The immunity from civil liability under this
10 section does not apply if injury results from gross negligence or willful or wanton misconduct.

11 Section 2. That chapter 27B-7 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Any person serving as a member of a county review board, whose action regarding the
14 applications or petitions for involuntary commitment or for the safekeeping otherwise of persons
15 subject to involuntary commitment is taken in good faith, is immune from any civil liability that
16 might otherwise be incurred or imposed. The immunity from civil liability under this section does

- 1 not apply if injury results from gross negligence or willful or wanton misconduct.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 138

3 1/20/00 Referred to Judiciary.

4 1/31/00 Scheduled for Committee hearing on this date.

5 1/31/00 Judiciary Deferred to another day.

6 2/2/00 Deferred by Chair.

7 2/4/00 Scheduled for Committee hearing on this date.

8 2/4/00 Judiciary Do Pass, Passed, AYES 9, NAYS 2. H.J. 412

9 2/7/00 House of Representatives Deferred to another day. H.J. 469

10 2/8/00 House of Representatives Do Pass, Passed, AYES 57, NAYS 8. H.J. 494

11 2/9/00 First read in Senate and referred to Judiciary. S.J. 399

12 2/16/00 Scheduled for Committee hearing on this date.

13 2/16/00 Judiciary Do Pass Amended, Passed, AYES 5, NAYS 1. S.J. 522